

REMARKS

Claims 1-3 and 5-21 are pending. Claims 3, 16, 17, and 19-21 are presently withdrawn from consideration. No amendments to the Specification or claims are made at this time.

Claims 1, 2, 5-15 and 18 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over McIntyre et al. (Pharmacol. Ther., 74(2): 181-184 (1997), hereinafter "McIntyre") in view of Del Soldato (PCT Application Publication No. WO 00/61537, hereinafter "Del Soldato I") and Del Soldato (PCT Application Publication No. WO 95/09831, hereinafter "Del Soldato II"). This rejection is respectfully traversed.

The Examiner alleges that in view of the disclosure of Del soldato II, it would have been obvious to attach a nitrooxy tether directly to a drug and not through an anti-oxidant moiety. Applicants respectfully traverse this ground of rejection.

Applicants submit that Del Soldato II discloses the compounds of formula IA where the drug moiety M is attached to a carboxyl group through its aliphatic functional group -CH₂- (compounds XXX-XXXII on pages 4-5 of Del Soldato II) or -CH- (compound XXXIII on page 5 of Del Soldato II). However, in contrast to the elected compound, Del Soldato II fails to disclose or teach the compounds where a drug is attached to a nitroxy tether through its hydroxyl functional group. Moreover, in contrast to the instant Specification, Del Soldato II lacks any teaching for synthesizing the compounds comprising a drug attached to a nitroxy tether via its hydroxyl group. In other words, Del Soldato II does not teach or suggest linkage of the nitrooxy tether to losartan via its hydroxyl group as set forth in the elected species.

The Examiner further alleges that the improved properties of the claimed compounds would have been obvious in view of the cited Del Soldato references. Applicants respectfully traverse this ground of rejection.

The compounds of Del Soldato I possess anti-oxidant properties. The compounds of Del Soldato II possess gastrointestinal tolerability, anti-inflammatory properties and anti-platelet aggregation properties. However, the compounds of Del Soldato I and II do not possess vasorelaxation properties. This is in contrast to the presently-claimed compounds which possess vasorelaxation properties (Table 1 of the Specification) in addition to the anti-inflammatory properties and anti-platelet aggregation properties (Table 2-3 of the Specification).

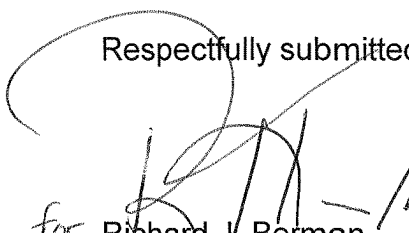
In view of the above, Applicants submit that none of the cited references alone or in combination teach or suggest the presently-claimed compounds or the unexpected advantages thereof. Therefore, independent claims 1 and 15 are not obvious over McIntyre, Del Soldato I or Del Soldato II. Because claims 2, 5-14 and 18 depend from independent claim 1, claims 2, 5-14 and 18 are also not obvious over the cited references. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 2, 5-15 and 18 under 35 U.S.C. §103(a) over McIntyre in view of Del Soldato I and Del Soldato II.

CONCLUSION

For at least the above reasons, Applicant respectfully submits that this application is in condition for allowance and requests favorable action thereon. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event this paper is not considered to be timely filed, Applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, referring to Attorney Docket No. 026220-00073. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, referencing Attorney Docket No. 026220-00073.

Respectfully submitted,


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